



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/532,424

04/22/2005

Kensaku Fujii

0080-0234PUS1

3734

2292 7590 11/07/2008
BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

MAKI, STEVEN D

ART UNIT

PAPER NUMBER

1791

NOTIFICATION DATE

DELIVERY MODE

11/07/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Advisory Action Attachment

In view of the cancellation of claim 21 by the after final amendment filed 10-9-08, the 103 rejection of claim 21 has been withdrawn and the heading of the 103 rejection in paragraph 2 of the final office action dated 6-10-08 simplifies to:

Claims 12, 15-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 684 (JP 59-025684, cited by applicant) in view of Soviet Union (SU 408,833) and optionally further in view of Japan 608 (JP 55-110608) and/or Slingluff (US 5,980,668).

Examiner maintains that Soviet Union shows facilitating visual identification of different steps of a wear indicator by providing one step with straight lines and another step with curved lines (see figure 6) as an alternative to providing all steps with straight lines (figure 4) or providing all steps with curved lines (figure 5). Examiner further maintains that "In view of the similarity in structure (steps) and function (indication of wear) of Japan 684 and Soviet Union, one of ordinary skill in the art would have found it obvious to use *different shapes* for the steps of the wear indicating hole of Japan 684 - only the expected results of facilitation of indication of tire tread wear being obtained." Examiner notes that claim 1, which recites "inscribed on or included in" is generic to applicant's figure 3(e), in which the hexagon step 21 is included in, but not inscribed on, the circle step 20.

White (US 2,706,509) is cited of interest for disclosing providing a stepped wear indicator as a projection in a groove 12 (figures 1, 2) or as a recess in a rib 11 (figure 3).

Nakayama et al (US 5,445,691) is cited of interest for disclosing surface grooves and rear grooves. See for example figures 11-13.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven D. Maki/
Primary Examiner, Art Unit 1791

Steven D. Maki
November 4, 2008